



CITY OF DURHAM | NORTH CAROLINA

**Date:** February 18, 2013

**To:** Thomas J. Bonfield, City Manager  
**Through:** William B. Ferguson, Deputy City Manager  
Joel V. Reitzer, Director of General Services  
Chris D. Boyer, Assistant Director of General Services  
**From:** Kevin P. Lilley, Facilities Operations Manager of General Services  
**Subject:** Right-of-Way Mowing, Litter and Debris Removal Contract ROWM13

**Executive Summary:**

On November 2, 2012 bids were opened for Contract ROWM13. This contract consists of right-of-way maintenance, including mowing; limited sidewalk and curb edging; string trimming around signs, poles, fire hydrants and guard rails; herbicide application where authorized to control weeds along guard rails, utility boxes, signs, steel or chain link fencing, sidewalks; and litter and debris removal on internal municipal and state streets, overpasses and underpasses, and interstate highways both divided and undivided, inside the City limits of Durham for three consecutive calendar years, with the right to extend the Contract upon the same terms and conditions for a period equal to the original contract, as herein set forth in this contract. Based on community and City Council feedback, the City identified "key corridors" for increased mowing and litter removal in 1998. Included in this contract are the cycles of mowing that NCDOT previously provided along these corridors and the tractor mowing on state secondary and municipal streets that had historically been performed by the City of Durham. As in the contracts approved by the City Council in 1999, 2004, 2007 and 2010, all mowing and litter removal services included in this proposal are to be performed with a coordinated emphasis on safety, neatness and cleanliness more so than had existed previously before the City began funding the work.

The lowest responsive, responsible bid was submitted by Dixie Lawn Service, Inc. The General Services Department recommends that the City Council authorize the City Manager to execute a contract with Dixie Lawn Service, Inc for Contract ROWM13 with a three year estimated cost of \$1,006,000.00.

**Recommendation:**

The General Services Department recommends that the City Council authorize the City Manager to execute a contract with Dixie Lawn Service, Inc. for Contract ROWM13 Right-of-Way Mowing and Litter and Debris Removal with a three year cost of \$1,006,000.00, and authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and that the modifications are consistent with the general intent of the

existing version of the agreement. The General Services Department further recommends that the City Council authorize the City Manager the right to extend the Contract upon the same terms and conditions for a period equal to the original contract (3 years). Such extensions of work may be at any point where extensions are authorized by agreement of both parties.

**Background:**

The City of Durham has been contracting mowing services on interstate highways, major entryways, state secondary roads and municipal streets since May, 1999, in response to complaints that the grass looked unkempt and the volume of litter was increasing on major roads, e.g. NC147, NC55, NC70, US15/501, I-40 and I-85. The NCDOT is responsible for the upkeep of these major roads. Unfortunately, the allocation for maintenance in these areas has been inadequate in recent years to maintain a consistently neat appearance. Considering information from the Division 5 NCDOT Engineer, (the Division that Durham is within) grass mowing on these highly visible roads would be done sporadically during the growing season and there is no coordinated litter removal.

To compensate for this lack of maintenance by the State of North Carolina, many cities have supplemented this service in one way or another. Major rights-of-way throughout the state are not maintained to the same level as others. In 1999 Durham began adding to the service that the State is programmed to provide. The frequency of mowing in 1999 was substantially increased and litter was picked up before each mowing cycle so it wouldn't be shredded by equipment. Litter cycles have been included, as funds allow, continuing to pick up litter in months when mowing does not take place (generally December through February) so it does not visibly accumulate during the winter. Today, Research Triangle Park, Wendell, Zebulon, Winston-Salem, Wilmington and Charlotte all supplement the programs of the NCDOT to improve the quality, consistency or cleanliness of their thoroughfares.

Funds are appropriated for contractual mowing and litter removal in the FY12 General Fund budget to enhance the community's appearance and strive to support the City of Durham's Strategic Plan Goal 5 "Stewardship of Physical Assets" to better maintain City streets and improve entranceways into our City ensuring that citizens enjoy a City rich in aesthetic beauty. A substantial feature of this contract is that additional work will be performed at interchanges and along guardrails to further enhance the appearance of our gateway entrances into the City. The additional work was included to complement efforts already underway to enhance the downtown streetscape, Neighborhood Improvement Initiatives and Business Improvement District Initiatives in mind. Keeping the City's entryways mowed and de-littered supports strategies to "fix broken windows" in our community.

The contract is currently written to provide mowing and litter removal on select interstates and key corridors, including mowing on select state highway system secondary streets and municipal streets. The contract also includes interstate interchange mowing and guardrail maintenance. There is no regularly scheduled litter removal provided by the NCDOT. The interchange and guardrail maintenance is intended to offset the recent loss of correctional forces in Durham. Budget reductions by the State of North Carolina in recent years have closed Durham's correctional facility and further reduced the reliable availability of inmates from surrounding counties

performing services within our County. Community service labor is available but not dependable because individuals required to perform community service are provided a choice of a variety of tasks to fulfill their obligation.

The purpose of awarding this type of contract is to make our entryways and City streets more attractive to our community throughout the year than they otherwise would be if no additional litter removal or mowing were done, and to contribute to a more favorable impression of Durham by visitors and “through travelers”. A favorable image of our community provides the opportunity to enhance businesses both downtown and throughout Durham, increasing our tax base and providing additional funds for increased services throughout our City. By continuing to contract this service, and assuming a normal season of rainfall, the City can anticipate that the grass should not exceed ten inches before it is mowed back to six inches and litter removal will occur each month of the year. Litter removal will be coordinated during the mowing season to ensure that litter is not mowed over and further scattered along our roadways. Under the prior arrangement where the City did not manage the mowing and litter removal, the grass was allowed to reach eighteen inches before it was mowed back to twelve inches, it was mowed every five weeks and there was no coordinated litter removal on interstates and no litter removal at all on State secondary roadways.

Contract oversight and monitoring is to be provided by the General Services Department and will continue to be coordinated with the other efforts underway in this Department to improve the image of the City’s internal major corridors. Those efforts include the recent addition of a dedicated interchange crew and support of Keep Durham Beautiful’s litter reduction and tarp giveaway programs.

### **Issues and Analysis:**

In surveying other North Carolina cities and Research Triangle Park regarding their supplemental funding of mowing and litter removal over the years, it has been discovered that many cities, like Durham, have municipal funding agreements with NCDOT related to maintenance, and in addition, they have chosen to make significant investments in mowing, litter pickup and landscape maintenance. In many cases, a combination of contractors and city crews are used to provide additional services.

It is becoming more common for municipalities to supplement grounds maintenance on state roads through their corporate limits. Today, among others, Research Triangle Park, Wendell, Zebulon, Winston-Salem, Wilmington and Charlotte all supplement the programs of the NCDOT to improve the quality, consistency or cleanliness of their thoroughfares by paying for increased levels of service with local tax dollars.

The funding provided by the City of Durham since 1999 has allowed citizens to enjoy a City richer in aesthetic beauty by managing the schedule upon which interstates, state secondary and municipal streets are mowed and increasing litter removal substantially, reducing grass heights on average by two-thirds and virtually eliminating torn litter. The length of time litter and debris remain on the roadways now is greatly reduced as the monitoring is within our own City Department. Despite these results, there is more that can be done to enhance roadway appearance.

The Durham Appearance Advocacy Group “DAAG” is working to encourage the NCDOT to strengthen its enforcement of the litter removal requirements. Keep Durham Beautiful

has worked in the past with both the Police department and the Sherriff's office and has found support with Solid Waste in regards to both litter enforcement and preventative measures.

As stated on the bid proposal form, the bid award is based on the total cost of all mowing and litter removal work per cycle. It is not based on the total number of cycles, because the number of mowing cycles and litter cycles per year varies (increases or decreases) from one year to the next depending on weather extremes (heavy rains and drought) and changes in the annual budget. Managing the contract as it is currently written has given the City the ability to focus the contractor on key thoroughfares, such as increasing the litter removal along our interchanges, as we were able to do during the 2012 Minor League Championships at the DBAP and scheduling a mowing cycle along NC147 just prior to the opening of the Broadway show "Wicked" at the DPAC. Given the responsibility the NCDOT has throughout the State, they do not have the flexibility in their programmed schedules to adjust to individual requests and the General Services department is not staffed adequately to undertake large schedule adjustments outside of their routine assignments.

Advertisements for Bids were mailed to 106 contractors, most of whom have experience in roadway, right-of-way and/or commercial mowing, including all of the SDBEs identified by EO/EA. General Services' staff contacted representatives from the NCDOT to solicit contractors working on State and municipal roadways in North Carolina, southern Virginia and northern South Carolina. Besides the direct mailings, phone calls and email notification, advertisements were also posted on the City's website for three weeks. During the pre-bid conference on October 12, 2012, only three contractors expressed interest in this contract. On November 2, 2012, the only bid received was opened. The bidder, Dixie Lawn Service, Inc was deemed to be in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. The budgeted amount for this contract is \$1,006,000.00 and the contract is written in such a way to allow the City to reduce the scope by reducing the number of cycles to be performed. General Services would work with the contractor to maximize the services provided and limit the number of cycles to meet the target budget. The General Services Department recommends awarding Contract ROWM13 to Dixie Lawn Service, Inc., in the amount of \$1,006,000.00.

The following is a summary of the bid received:

Company	Cost per Complete Cycle
Dixie Lawn Service, Inc.	\$65,080.10

**Alternatives:**

Many alternatives were originally examined to determine how to coordinate the mowing and litter removal to the benefit of the citizens of Durham. All of them were re-examined at the end of each contract to identify if any circumstances had changed and it was found that they had not.

The recommended alternative is to use outside contractors to provide both mowing and litter removal on NCDOT right-of-way, and mowing on the rest of state secondary rights-of-way for which the City had been responsible, with the City administering the contract.

This alternative was chosen because it allows us to continue to improve Durham's roadway appearance with the least amount of interruption to existing schedules and assignments and has proven to be compatible with the use of City staff to self-perform mowing on municipal streets and litter removal on municipal streets and state secondary roads.

The second alternative consists of returning to the NCDOT the mowing responsibility for the interstate highways and increasing their responsibility to include all currently covered state secondary roads and to request that the NCDOT bid and fund a litter contract to pick up litter before each mowing cycle. We've been informed by the NCDOT that due to continuing budget shortfalls, the State would not be able to bid out litter removal until further notice or increase a contract to include state secondary roads at a level comparable to what is provided under contract with the City of Durham. From our experience with the contract, for the best results, the two services need to be bid out together and be the ultimate responsibility of one prime contractor for the two activities to be coordinated smoothly. This is not considered to be acceptable, given the City of Durham's Strategic Plan Goal 5 Stewardship of Physical Assets to better maintain City streets and improve entranceways into our City, and would result in no dependable litter pickup coordinated with interstate mowing, because NCDOT is not willing to provide a litter contract at this time.

The third alternative is to have City forces accomplish the mowing, and identify other sources to pick up litter. To do this, the City would have to hire more people than authorized in our budget and purchase and replace existing equipment with "flail" mowers to improve the quality of the mowing cut and consider other agencies available to do litter pickup at no charge. Given the logistics, this would be impractical to do at this point. The NCDOT staff and the Department of Corrections crews are "not available" for litter pickup at this time. Given the stringent requirements of the NCDOT under the Manual for Uniform Traffic Control Devices (MUTCD), it is in the City's best interests to require a contractor familiar with work along interstate highways and thoroughfares to assume safety risks of employees on interstate highways.

#### **Financial Impacts:**

##### **OCO50000/728600**

This is a three calendar year contract. Because each calendar year mowing season spans two fiscal years, funding is divided into four fiscal years. The City would make funds available for each fiscal year of the contract. For example, the first part of the first year of the mowing season will occur in FY13 (February 2013 through June 2013) and the second part of the first year in FY14 (July 2013 through December 2013). FY16 (July 2015 through December 2015) is in the third calendar year of the contract, but the fourth fiscal year of the contract. The city would make funds available as follows:

<b>Total FY13:</b>	<b>\$167,666.76</b>
<b>Total FY14:</b>	<b>\$335,333.33</b>
<b>Total FY15:</b>	<b>\$335,333.33</b>
<b>Total FY16:</b>	<b>\$167,666.66</b>

<b>Total:</b>	<b>\$1,006,000.00</b>
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### **SDBE Requirements**

The Equal Opportunity/ Equity Assurance Department reviewed the bid submitted by Dixie Lawn Service, Inc. of Gastonia North Carolina to determine compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. The goals for the project are MSDBE 4% and WSDBE 2%. Dixie Lawn Service, Inc. is in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting exceeding the goals established by the Equal Opportunity/Equity Assurance Department.

Dixie Lawn Service, Inc. will subcontract to the following certified firms:

<b>Firm</b>	<b>ID</b>	<b>City/State</b>	<b>Amount/YR</b>	<b>%of Contract</b>
FA Farrington	MSDBE	Durham NC	\$45,000.00	11%
Clayton Lawn	WSDBE	Hillsborough, NC	\$45,000.00	11%

### **WORKFORCE STATISTICS**

The workforce statistics for Dixie Lawn Service, Inc. are as follows:

Total Workforce	48	
Total Females	7	15%
Total Males	41	85%
Black Males	3	6%
White Males	28	58%
Other Males	10	21%
Black Females	0	0%
White Females	7	15%
Other Females	0	0%